

REMARKS

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1-7, 9, 16, 17, 19 and 25-27 are rejected under 35 U.S.C. §103(a) as being obvious in view U.S. Patent No. 6,253,243 issued to Spencer (*Spencer*) and further in view of U.S. Patent No. 6,604,137 issued to Cowan et al. (*Cowan*). Applicant respectfully submits that claims 1-7, 9, 16, 17, 19, and 25-27 are not obvious in view of *Spencer* and further in view of *Cowan* for at least the reasons described below.

Independent Claims 1, 16, 25, and 27

Claim 1 recites, in part, the following:

detecting alert events on a client using a platform independent agent integrated with said client;
sending command data to the remote alert proxy in response to the detected alert events;
translating the command data into specific client-based hardware control data to automatically perform hardware control operations on the client **only while the client is in an unresponsive state.**

Claims 16, 25, and 27 recite similar limitations.

The Office action states that *Spencer* does not teach or disclose translating command data into specific hardware control data to automatically perform hardware control operations.

Applicant agrees with the Examiner's characterization of *Spencer*. *Cowan* is cited as disclosing translating command data into specific hardware control data to automatically perform hardware control operations. Claim 1, as amended, recites translating command data into specific hardware control data to automatically perform hardware control operations **only while the client is in an unresponsive state**. Whether or not *Cowan* teaches the limitations cited in the Office action, *Cowan* does not teach or disclose even the capability of performing hardware

control operations **while the client is in an unresponsive state** let alone provide disclosure or even motivation for performing hardware control operations **only** while the client is in unresponsive state. Thus, Applicant submits *Cowan* fails to cure the deficiencies of *Spencer*. Therefore, Applicant respectfully submits claims 1, 16, 25 and 27 are not obvious in view of *Spencer* and *Cowan*.

Claims 2-7 and 9 depend from claim 1. Claims 17 and 19 depend from claim 16. Claim 26 depends from claim 25. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits that claims 2-7, 9, 17, 19, and 26 are not obvious in view of *Spencer* and further in view of *Cowan* for at least the same reasons discussed above with respect to the independent claims.

Claims 8, 18 and 28

Claims 8, 18 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spencer* and *Cowan* in view of U.S. Patent No. 5,689,708 issued to Regnier et al. (*Regnier*). Applicant submits claims 8, 18 and 28 are not obvious in view of *Spencer*, *Cowan*, and *Regnier* for at least the reasons set forth below.

As discussed above, *Spencer* and *Cowan* fail to teach or disclose at least one limitation from each of the independent claims. *Regnier* was cited as teaching additional limitations from dependent claims 8, 18 and 28 including referencing a plain text “ini” file. Whether or not *Regnier* actually teaches these limitations, *Regnier* does not teach or disclose translating command data into specific hardware control data to automatically perform hardware control operations **only while the client is in an unresponsive state**, as recited in claims 1, 16 and 27. Therefore, *Regnier* fails to cure the deficiencies of *Spencer* and *Cowan*. Claim 8 depends from

claim 1. Claim 18 depends from claim 16. Claim 28 depends from claim 27. Thus, Applicant submits that claims 8, 18, and 28 are not obvious in view of *Spencer*, *Cowan*, and *Regnier*.

CONCLUSION


In view of the remarks set forth above, Applicant submits that claims 1-9, 16-19, and 25-28 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: _____

9/16/06



Jared S. Engstrom
Attorney for Applicant
Reg. No. 58,330

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778